

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KARIEM TOMLIN,

Plaintiff,

TRANSFER ORDER

13-CV-6223 (RRM) (JO)

-against-

BARE HILL CORRECTIONAL FACILITY,

Defendant.

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ROSLYNN R. MAUSKOPF, United States District Judge:

On October 31, 2013, *pro se* plaintiff Kariem Tomlin, currently incarcerated at Gouverneur Correctional Facility in Gouverneur, New York, commenced this action against defendants pursuant to 42 U.S.C. § 1983.

Pursuant to the provision governing venue of civil actions in district court, an action should be filed in the judicial district where any defendants resides or where a substantial part of the events or omissions giving rise to the claim occurred. *See* 28 U.S.C. § 1331(b). Here, plaintiff alleges he was injured while incarcerated at Bare Hill Correctional Facility, which is located in Franklin County in the Northern District of New York. Because the defendant does not reside in the Eastern District of New York and none of the events alleged occurred within this district, the Court concludes that the Eastern District of New York is not the proper venue for this action.

Accordingly, this case is hereby transferred to the United States District Court for the Northern District of New York. *See* 28 U.S.C. § 1404(a) (district court may transfer case filed in the wrong district to any district in which it could have been brought). A ruling on plaintiff's application to proceed *in forma pauperis* and request to enforce the Prison Litigation Reform Act is reserved for the transferee court. That provision of Rule 83.1 of the Local Rules of the Eastern

District of New York which requires a seven-day delay is waived. No summons shall issue from this Court.

CONCLUSION

The Clerk of Court is directed to transfer this action to the United States District Court for the Northern District of New York, mail a copy of this Transfer Order to the *pro se* plaintiff, and close the file in this Court.

SO ORDERED.

Dated: Brooklyn, New York
November 22, 2013

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge